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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,107	04/19/2004	Jim Bagley	2953.GRAC.PT	1447

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EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6

Office Action Summary	Application No. 10/827,107	Applicant(s) BAGLEY, JIM	
	Examiner Ismael Izaguirre	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

CLAIMS

Summary

Claims 1 and 14 are the independent claims under consideration in this Office Action.

Claims 2-13 and 15-27 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 11-19 and 24-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Moore, III (5,586,400).

Moore, III teaches a system for attaching material to a quilting frame. The system comprises a polygonal rigid slot, at 40 or at the curve between the leader lines of 41 and 25 in figure 4, for example. A polygonal slot member 35 includes a member portion, which is disposed within the slot for frictionally engaging the material and clamping this to the slot. The material is placed over the slot area and then the member or clamp is pushed onto the material and into the slot for clamping the material between the slot (at 40 and between 41 and 25) and the member 35. The slot member is solid,

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flexible and has a hollow portion. Further, the slot is formed part of a rail system (figure 5) for forming the frame and includes a surface where it can be attached to a rail system 14 (figure 4) which slot is taught attachable to the rail system by screws (column 3, line 16).

Claims 1-5,7,11,14-18,20 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wylie (6,279,644).

Wylie teaches a system for attaching material to a frame. The system comprises a polygonal rigid slot 56 (figure 1a) or 211A (figure 2A for example). A polygonal slot member 58 is disposed within the slot for frictionally engaging the material and clamping this to the slot. The material is placed over the slot area and then the member is pushed onto the material and into the slot for clamping the material between the slot and the member 58. The slot member is solid, flexible and formed of a foam material (from column 2, line 41).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 and 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore, III.

Moore, III discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Moore, III teaches a system for attaching material to a quilting frame. The system comprises a polygonal rigid slot and a polygonal slot member, which includes a member portion disposed within the slot for frictionally engaging the material and clamping this to the slot. Further, the slot is formed part of a rail system (figure 5) for forming the frame and includes a surface where it can be attached to a rail system 14 (figure 4) which slot is taught attachable to the rail system by screws (column 3, line 16) and teaches any other suitable means for affixing the slot to the frame member (column 3, lines 15-17) would suffice. However, Moore, III does not specifically suggest an adhesive being used instead of screws to attach the slot to the frame.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the slot as being attached to the frame portion by an adhesive instead of by screws since Moore, III teaches any other suitable means for affixing the slot to the frame member (column 3, lines 15-17) and since providing an adhesive would better retain the integrity of the slot and frame components due to a lack of drilled and tapped screw holes. Providing an adhesive along the length of the slot and frame components, for example, would allow a more positive uniform tension at the slot and frame surface as the materials in the slot are themselves tensioned.

DRAWINGS

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of screws of claims 13 and 27 must be shown or the feature cancelled from the claims. No new matter should be entered.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vasilantone illustrates a frame with a slot including a slot member, which is hollow. Maudlin et al., and Yang et al. Illustrate a slot, which is attachable to another element via screws. Keegan et al. Illustrate a slot, which is attachable to another element via nails. Ballin, Riekse and Delacroix et al. illustrate slot members of different shapes and materials insertable into slots.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ismael Izaguirre
Primary Examiner
Art Unit 3765